

ORDINANCE NO. 99 - 49

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE DEVELOPMENT AMENDMENT 99-SCA 105 COM 1 (STRATA DEVCO); MODIFYING PAGE 105 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 9.78 ACRES GENERALLY LOCATED ON THE WEST SIDE OF STATE ROAD 7, APPROXIMATELY 1/2 MILE NORTH OF YAMATO ROAD FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL LOW-OFFICE, WITH AN UNDERLYING 5 UNITS PER ACRE (CL-O/5) ON 2.75 ACRES (PARCEL A) AND TO INSTITUTIONAL WITH AN UNDERLYING 8 UNITS PER ACRE (INST/8) ON 7.03 ACRES, SUBJECT TO ONE CONDITION (PARCEL B, THE WESTERN PORTION OF THE SITE EXTENDING APPROXIMATELY 822 FEET FROM THE REAR PROPERTY LINE); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small

1 scale development amendment per Section 163.3187(1)(c), Florida
2 Statutes; and

3 WHEREAS, the Palm Beach County Local Planning Agency conducted a
4 public hearing on August 27, 1999, to review the proposed amendment to
5 the Palm Beach County Comprehensive Plan and made recommendations
6 regarding the proposed amendments to the Palm Beach County Board of
7 County Commissioners pursuant to Chapter 163, Part II, Florida
8 Statutes; and

9 WHEREAS, the Palm Beach County Board of County Commissioners, as
10 the governing body of Palm Beach County, conducted a public hearing
11 pursuant to Chapter 163, Part II, Florida Statutes, on December 2,
12 1999, to review the recommendations of the Local Planning Agency and to
13 consider adoption of the amendments; and

14 WHEREAS, the Palm Beach County Board of County Commissioners has
15 determined that the amendment complies with all requirements of the
16 Local Government Comprehensive Planning and Land Development Regulation
17 Act.

18 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
19 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

20 Part I. Amendments to the Future Land Use Atlas of the Land Use
21 Element of the 1989 Comprehensive Plan

22 The following amendment to the Land Use Element's Future Land Use
23 Atlas is hereby adopted and is attached to this Ordinance:

24 A. Future Land Use Atlas page 105 is amended as follows:

25 Application No.: 99-SCA 105 COM 1 (Strata Devco)

26 Amendment: From Medium Residential, 5 units per acre
27 (MR-5) to Commercial Low-Office, with an
28 underlying 5 units per acre (CL-O/5) on 2.75
29 acres (Parcel A) and to Institutional, with
30 an underlying 8 units per acre (INST/8)
31 7.03 acres (Parcel B, the western portion).

1 the site extending approximately 822 feet
2 from the rear property line).

3 **General Location:** West side of State Road 7/US 441,
4 approximately 1/2 mile north of Yamato Road;

5 **Size:** Approximately 9.78 total acres;

6 **B. Condition:** Parcel B is subject to the following condition

- 7 1. The rear 7.03 acres (Parcel B) of the site shall be
8 limited to a Congregate Living Facility or other non-
9 residential use permitted in a residential land use
10 category.

11 **Part II. Repeal of Laws in Conflict**

12 All local laws and ordinances applying to the unincorporated area
13 of Palm Beach County in conflict with any provision of this ordinance
14 are hereby repealed to the extent of such conflict.

15 **Part III. Severability**

16 If any section, paragraph, sentence, clause, phrase, or word of
17 this Ordinance is for any reason held by the Court to be
18 unconstitutional, inoperative or void, such holding shall not affect
19 the remainder of this Ordinance.

20 **Part IV. Inclusion in the 1989 Comprehensive Plan**

21 The provision of this Ordinance shall become and be made a part
22 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
23 Ordinance may be renumbered or relettered to accomplish such, and the
24 word "ordinance" may be changed to "section," "article," or any other
25 appropriate word.

26 **Part V. Effective Date**

27 This amendment shall not become effective until 31 days after
28 adoption. If challenged within 30 days after adoption, this amendment
29 shall not become effective until the state land planning agency or the
30 Administration Commission, respectively, issues a final order
31 determining the amendment is in compliance.

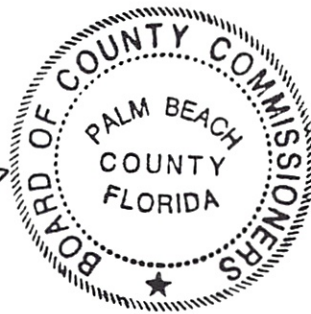
1 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
2 Beach County, on the 2 day of December , 1999.

3 ATTEST: PALM BEACH COUNTY, FLORIDA,
4 DOROTHY H. WILKEN, Clerk BY ITS BOARD OF COUNTY COMMISSIONERS

5 By: Joan Sawyer By Mandi Ford Lee
6 Deputy Clerk Chair

7 APPROVED AS TO FORM AND
8 LEGAL SUFFICIENCY

9 *[Signature]*
10 COUNTY ATTORNEY



11 Filed with the Department of State on the 7th day
12 of December , 1999.

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EXHIBIT 1

Future Land Use Atlas page 105 is amended as follows:

Amendment No.: 99-SCA 105 COM 1 (Strata Devco)

Amendment: From Medium Residential, 5 units per acre (MR-5) to Commercial Low-Office, with an underlying 5 units per acre (CL-O/5) on 2.75 acres (Parcel A) and to Institutional, with an underlying 8 units per acre (INST/8) on 7.03 acres (Parcel B, the western portion of the site extending approximately 822 feet from the rear property line).

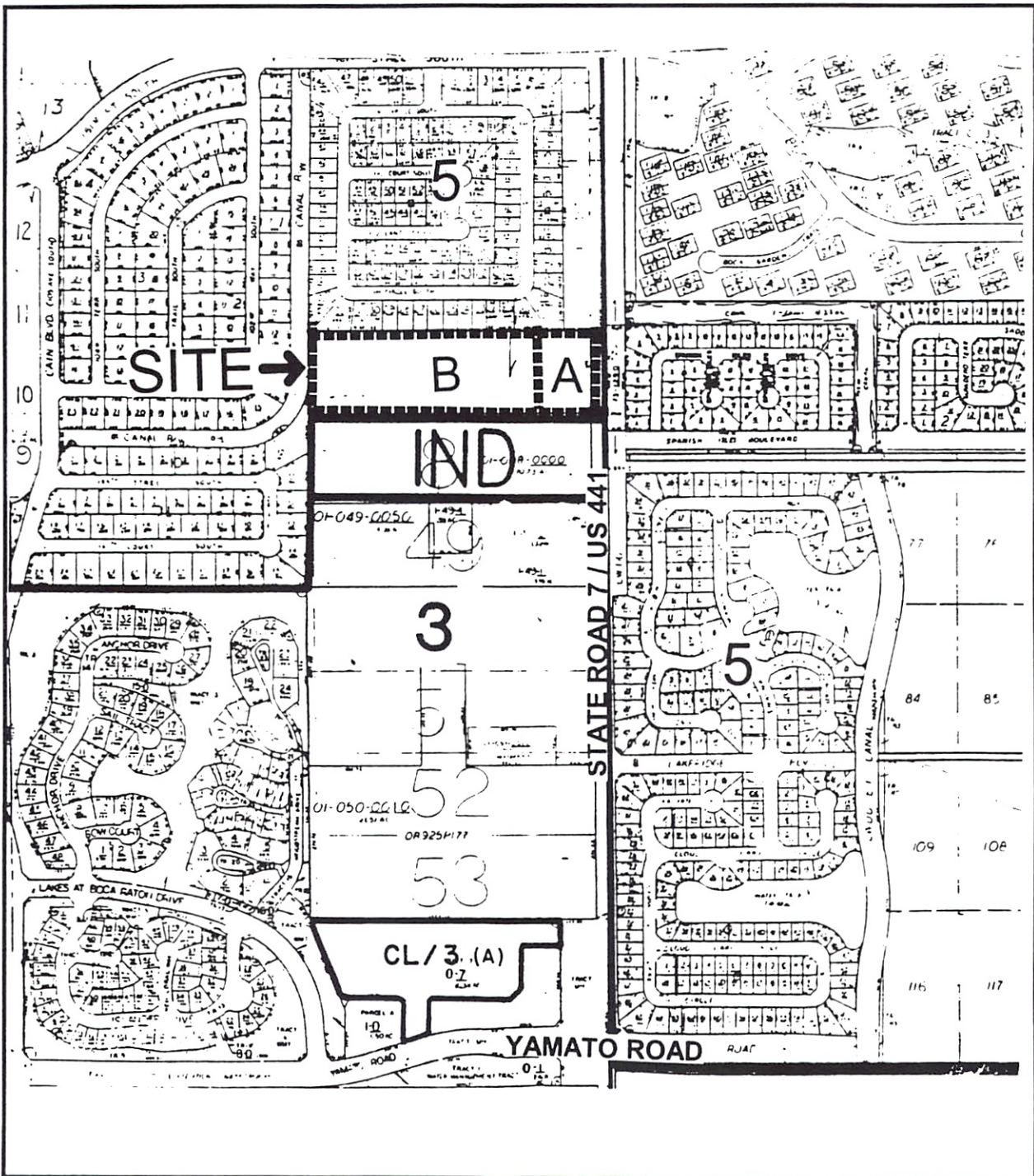
Location: West side of State Road 7/US 441, approximately 1/2 mile north of Yamato Road.

Size: Approximately 9.78 acres

Property No.: 00-41-47-01-01-001-0000 (a 9.78 portion of a 45.72 acre parcel)

Legal Description: See attached

Condition: The rear 7.03 acres (Parcel B) of the site shall be limited to a Congregate Living Facility or other non-residential use permitted in a residential land use category.



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LEGAL DESCRIPTION (PARCEL A):

A PORTION OF TRACT 7 IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, "FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 2", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1 AT PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 7; THENCE NORTH 99° 15' 60" EAST, ALONG THE NORTH LINE OF SAID TRACT 7, A DISTANCE OF 820.50 FEET TO THE PINT OF BEGINNING; THENCE CONTINUE NORTH 89° 15' 56" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 319.25 FEET; THENCE SOUTH 01° 02' 37" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF STATE ROAD SEVEN, BEING A LINE 200.00 FEET WEST OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO THE BASELINE OF SURVEY OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR STATE ROAD SEVEN (SECTION 93210-2515), A DISTANCE OF 375.69 FEET; THENCE SOUTH 89° 25' 14" WEST, ALONG A LINE 519.25 FEET WEST OF, AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO SAID BASELINE, A DISTANCE OF 374.63 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 2.750 ACRES, MORE OR LESS.

LEGAL DESCRIPTION (PARCEL B):

A PORTION OF TRACT 7 IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, "FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 2", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1 AT PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 7; THENCE NORTH 89° 15' 56" EAST, ALONG THE NORTH LINE OF SAID TRACT 7, A DISTANCE OF 820.60 FEET; THENCE SOUTH 01° 02' 37" EAST, ALONG A LINE 519.25 FEET WEST OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO THE BASELINE OF SURVEY OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR STATE ROAD SEVEN (SECTION 93210-2515), A DISTANCE OF 374.83 FEET; THENCE SOUTH 89° 25' 14" WEST ALONG THE SOUTH LINE OF SAID TRACT 7, A DISTANCE OF 819.36 FEET; THENCE NORTH 01° 13' 14" WEST, ALONG THE WEST LINE OF SAID TRACT 7, A DISTANCE OF 372.62 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 7.034 ACRES, MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 2, 1999
DATED at West Palm Beach, FL on 12/21/99.
DOROTHY H. WILKEN, Clerk
By: Glenn Brown D.C.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT 99-SCA 72 INST 1 (CHILDREN'S HOME SOCIETY); MODIFYING PAGE 72 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 5.77 ACRES GENERALLY LOCATED APPROXIMATELY 150 FEET WEST AND 472 FEET NORTH OF THE NORTHWEST CORNER OF FOREST HILL BOULEVARD AND DALINDA LANE FROM HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8) TO INSTITUTIONAL, WITH AN UNDERLYING 8 UNITS PER ACRE (INST/8) SUBJECT TO ONE CONDITION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida

1 Statutes; and

2 WHEREAS, the Palm Beach County Local Planning Agency conducted a
3 public hearing on October 22, 1999 , to review the proposed amendment
4 to the Palm Beach County Comprehensive Plan and made recommendations
5 regarding the proposed amendments to the Palm Beach County Board of
6 County Commissioners pursuant to Chapter 163, Part II, Florida
7 Statutes; and

8 WHEREAS, the Palm Beach County Board of County Commissioners, as
9 the governing body of Palm Beach County, conducted a public hearing
10 pursuant to Chapter 163, Part II, Florida Statutes, on December 2,
11 1999, to review the recommendations of the Local Planning Agency and to
12 consider adoption of the amendments; and

13 WHEREAS, the Palm Beach County Board of County Commissioners has
14 determined that the amendment complies with all requirements of the
15 Local Government Comprehensive Planning and Land Development Regulation
16 Act.

17 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
18 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

19 Part I. Amendments to the Future Land Use Atlas of the Land Use
20 Element of the 1989 Comprehensive Plan

21 The following amendment to the Land Use Element's Future Land Use
22 Atlas is hereby adopted and is attached to this Ordinance:

23 A. Future Land Use Atlas page 72 is amended as follows:

24 Application No.: 99-SCA 72 INST 1 (Children's Home Society)

25 Amendment: From High Residential, 8 units per acre
26 (HR-8) to Institutional, with an underlying
27 8 units per acre (INST/8);

28 General Location: Approximately 150 feet west and 472 feet
29 north of the northwest corner of Forest Hill
30 Boulevard and Dalinda Lane;

31 Size: Approximately 5.77 acres;

1 B. Condition: This parcel is subject to the following
2 condition:

- 3 1. The site shall be limited to a Congregate Living
4 Facility or other non-residential uses permitted in a
5 residential land use category.

6 Part II. Repeal of Laws in Conflict

7 All local laws and ordinances applying to the unincorporated area
8 of Palm Beach County in conflict with any provision of this ordinance
9 are hereby repealed to the extent of such conflict.

10 Part III. Severability

11 If any section, paragraph, sentence, clause, phrase, or word of
12 this Ordinance is for any reason held by the Court to be
13 unconstitutional, inoperative or void, such holding shall not affect
14 the remainder of this Ordinance.

15 Part IV. Inclusion in the 1989 Comprehensive Plan

16 The provision of this Ordinance shall become and be made a part
17 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
18 Ordinance may be renumbered or relettered to accomplish such, and the
19 word "ordinance" may be changed to "section," "article," or any other
20 appropriate word.

21 Part V. Effective Date

22 This amendment shall not become effective until 31 days after
23 adoption. If challenged within 30 days after adoption, this amendment
24 shall not become effective until the state land planning agency or the
25 Administration Commission, respectively, issues a final order
26 determining the amendment is in compliance.

1 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
2 Beach County, on the 2 day of December , 1999.

3 **ATTEST:**
4 DOROTHY H. WILKEN, Clerk

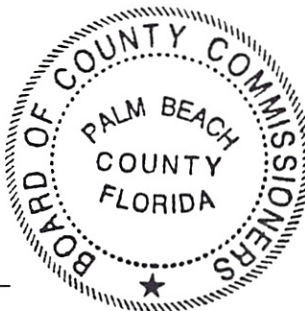
 PALM BEACH COUNTY, FLORIDA,
 BY ITS BOARD OF COUNTY COMMISSIONERS

5 By: Joan Harrell
6 Deputy Clerk

 By: Maudie Ford Lee
 Chair

7 APPROVED AS TO FORM AND
8 LEGAL SUFFICIENCY

9
10 COUNTY ATTORNEY



11 Filed with the Department of State on the 7th day
12 of December , 1999.

13 T:\PLANNING\AMEND\99-SCA\SITESPEC\ChildrensHome\CHS-ord.wpd

EXHIBIT 1

Future Land Use Atlas page 72 is amended as follows:

Amendment No.: 99-SCA 72 INST 1 (Children's Home Society)

Amendment: From High Residential, 8 units per acre (HR-8) to Institutional, with an underlying 8 units per acre (INST/8).

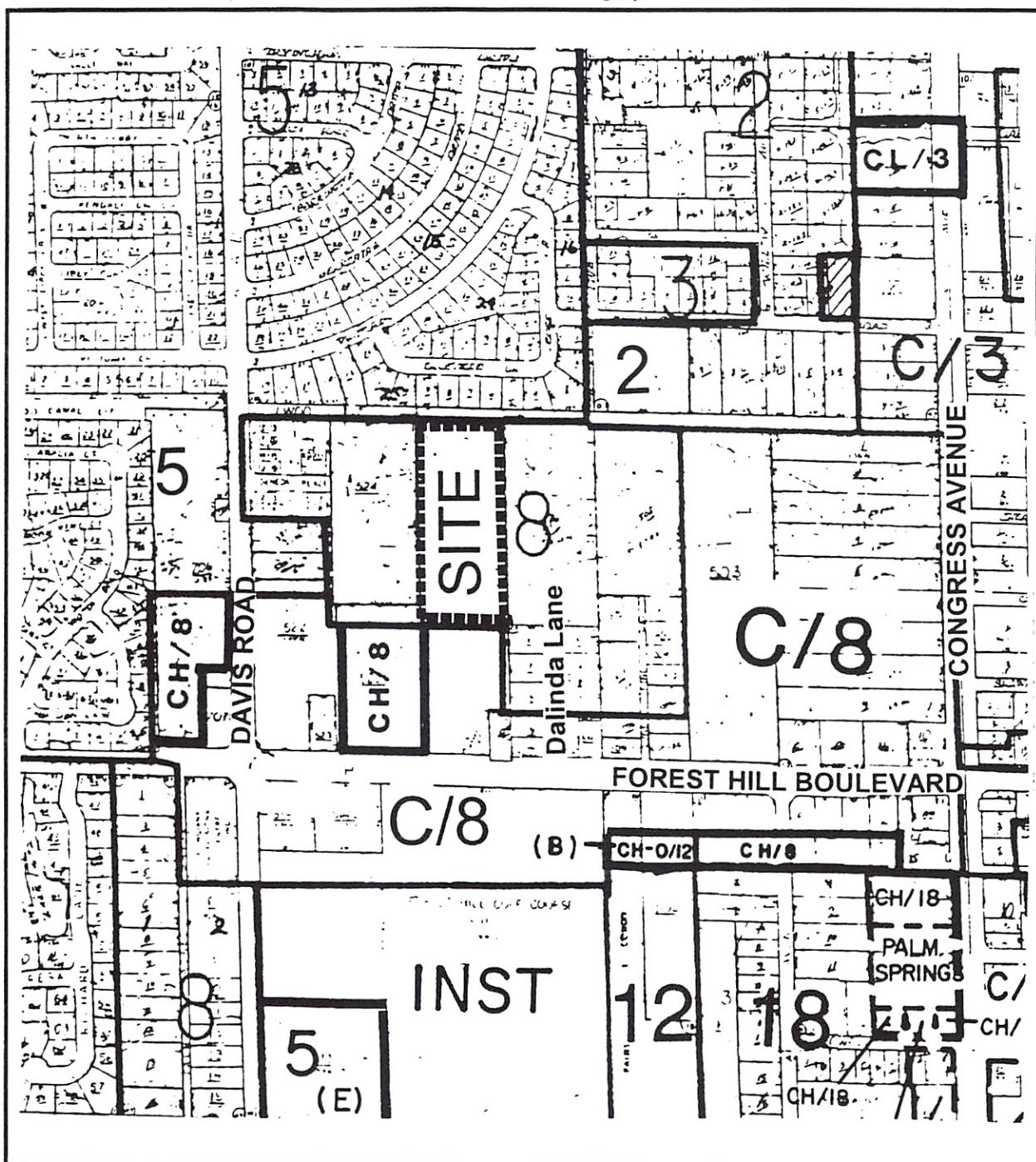
Location: Approximately 150' west and 472' north of the northwest corner of Forest Hill Boulevard and Dalinda Lane.

Size: Approximately 5.77 acres

Property No.: 00-43-44-07-00-000-5170 (a 5.77 acre portion of a 9.35 acre parcel)

Legal Description: See attached

Condition: The site shall be limited to a Congregate Living Facility or other non-residential uses permitted in a residential land use category.



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Legal Description:

THE WEST 1/2 OF LOT 3, BLOCK 4, SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST, OF PALM BEACH PLANTATIONS, PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH 532.21 FEET THEREOF, AND

LESS THE NORTH 49.50 FEET (TAKEN BY THE LAKE WORTH DRAINAGE DISTRICT PURSUANT TO PALM BEACH CIRCUIT COURT CHANCERY CASE NO. 407, RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA)

CONTAINING 5.77 ACRES, MORE OR LESS

SUBJECT TO RESERVATIONS, EASEMENTS, AND RIGHT OF WAY RECORD.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 2, 1999
DATED at West Palm Beach, FL on 12/21/99.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.